

# **HARRIS COUNTY BOARD OF COMMISSIONERS**

DECEMBER 6, 2016

Commission Chamber, Room 223, Harris County Courthouse

## **NO WORK SESSION**

## **REGULAR SESSION**

**7:00 PM**

### **CALL TO ORDER**

### **INVOCATION**

### **PLEDGE OF ALLEGIANCE**

### **MINUTES**

1. Regular Session of November 15, 2016

### **APPEARANCE OF CITIZENS**

2. Dannie Kemp: Lowflying Aircraft

### **OLD BUSINESS**

### **NEW BUSINESS**

3. Request for Tax Refund: George N. Jones
4. First Reading: Ordinance to Amend Soil Erosion, Sedimentation and Pollution Control
5. Amend Road & Improvement Program List
6. LMIG Application
7. Appointments/Reappointments to be Made

### **COUNTY MANAGER**

8. Project Updates

### **COUNTY ATTORNEY**

9. Resolution: Acceptance of Mars Hill Drive & West Mars Hill Drive
10. CDBG Project Change Order #1

### **PUBLIC HEARINGS @ 7:30 PM**

11. Explanation of Public Hearing
12. Conflict of Interest Forms
13. Application of Paul & Kristine Weaver to Rezone 7 acres of LL 121, LD 19, Map 048B, Parcel 048, from R-1 (Single Family Residential) to A-1 (Agricultural & Forestry); present use single family, proposed use single family with horses; property located at 774 West Bon Acre Road, Cataula

### **ADJOURNMENT**

**MINUTES**

12/06/16

Minutes are not available to the public until they have been approved by the Board of Commissioners. Once approved, they will be posted on the website.

**DANNIE KEMP: LOWFLYING AIRCRAFT**

12/06/16

Dannie Kemp, citizen who lives on Washington Road, requested to be on the agenda to discuss lowflying aircraft over his home.

**REQUEST FOR TAX REFUND**

There is one (1) Request for Tax Refund, as follows:

(1) ***Jones, George Nelson (686 My Private Drive, Hamilton)***

Amount: \$169.94 (the ad valorem tax)

Reason: "Paid on 8-8-16 ad valorem tax for 2011 Enclave. Sold said vehicle on 8-6-16."

Tax Commissioner: *Agrees.* ("Customer bought his tag then decide<sup>d</sup> to trade his vehicle in on another car.")

Bd of Tax Assessors: *Agrees.*

Motion and vote needed.

**FIRST READING: ORDINANCE TO AMEND SOIL EROSION, 12/06/16  
SEDIMENTATION AND POLLUTION CONTROL**

The state has made changes to the Soil Erosion and Sedimentation Control regulations, and as a result we are required to make the changes to our ordinance.

This the First Reading; the Second Reading is scheduled for December 20.

**AMEND ROAD & IMPROVEMENT PROGRAM LIST**

12/06/16

In 2011, the BOC approved the Road & Improvement Program list from which the list of 10 roads that are currently in the process of being improved were chosen. In addition to those 10 roads, there are 27 more roads on the list scheduled for “grade, base & pave”.

Commissioner Langston asked that this be on the agenda for consideration of adding Hoody Hudson Road to the list for “grade, base & pave”.

**LMIG PROJECT LIST 2017**

12/06/16

The County's LMIG funding is estimated to be \$762,501.66.

The list proposed for submission includes three roads, which Mike Brown, Public Works Director, has determined are the roads in dire need of resurfacing. The project costs are estimates based on past work of a similar nature.

Motion and vote needed to send the proposed list in the LMIG application to GDOT.

**APPOINTMENTS/REAPPOINTMENTS**

12/06/16

To give you advance notice of the terms of various boards/authorities for which reappointments or new appointments are required, attached is the listing for your review.

The appointments/reappointments will be on the December 20 agenda.



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## **PROJECT UPDATES**

12/06/2016

Randy Dowling will provide updates on various projects.

12/06/16

**RESOLUTION TO ACCEPT  
MARS HILL DRIVE & WEST MARS HILL DRIVE**

The Resolution to Accept Mars Hill Drive & West Mars Hill Drive is being prepared (by John Taylor) and will be provided at the meeting.

Motion and vote needed.

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**CDBG CHANGE ORDER #1**

12/06/16

During the October 18 meeting, there was discussion regarding reducing the overall project cost of the CDBG project by deleting the final stabilization/grassing (\$14,000) and reducing the driveway aprons (\$28,000), and this is the Change Order regarding same.

Motion and vote needed.

## REZONING APPLICATION PUBLIC HEARING PROCEDURES

1. **Call to Order.** The Public Hearing will be called to order by Chairman\* for the purpose of considering each application for rezoning.
2. **Reading of Application.** The application will be read (including name of property owner, address of subject property, land district number(s), land lot number(s), map number, parcel number, acreage to be rezoned, present and requested zoning, present and proposed use, and the recommendations of the Staff and the Planning Commission).
3. **Presentation by Applicant or his/her representative(s).** The applicant or his/her representative(s) will be recognized to present and explain the rezoning request. The Commissioners may ask questions of the individual during this time.
4. **Comments by Individuals in Favor of Application.** Individuals in favor of the rezoning application will be permitted to speak (upon recognition by the Chairman\* after raising their hand), and each person is to provide their name.
5. **Comments by Individuals in Opposition to the Application.** Individuals in opposition to the rezoning application will be permitted to speak (upon recognition by the Chairman\* after raising their hand), and each person is to provide their name.
6. **Summary, rebuttal and/or final comments by applicant or his/her representative(s).** Upon completion of comments by those in opposition of the application, the applicant or his/her representative(s) will be given the opportunity to make summary remarks, rebuttal and/or final comments.
7. **Closing of Public Hearing.** Upon completion of remarks, rebuttal, or final comment by applicant or his/her representative, and final comments/questions of the Commissioners, the Chairman\* will close the Public Hearing. (No further input from applicant or his/her representative(s), opponents, or other individuals.)
8. **Action.** Action will be taken on the rezoning application.

\*Or the Commissioner presiding over the hearing should the Chairman not be available.

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### ZONING STANDARDS

[From Harris County Zoning Ordinance, Article X, Section 1(g)]

Whenever this county shall exercise its zoning power, the following standards are considered relevant in balancing the county's interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property:

- (a) Whether the zoning decision will permit a use that is suitable in view of the use and development of adjacent or nearby property;
- (b) Whether the zoning decision will adversely affect the existing use of adjacent or nearby property;
- (c) Whether the property affected by the zoning decision has a reasonable economic use as currently zoned;
- (d) Whether the zoning decision will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
- (e) Whether the zoning decision conforms with the policy and intent of an adopted land use plan; and
- (f) Whether other conditions exist that affect the use and development of the property in question and support either approval or denial of the zoning decision.

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**BOARD OF COMMISSIONERS CONFLICT OF INTEREST  
ZONING DISCLOSURE FORM**

**I. List of Zoning Applications** to be presented to the Commissioners on **DECEMBER 6, 2016.**

- A. Application of Paul & Kristine Weaver to rezone 7.00 acres of Land Lot 121, Land District 19, Map 048B, Parcel 048, from R-1 (Single Family Residential) to A-1 (Agricultural & Forestry); present use single family; proposed use single family with horses; property located at 774 West Bon Acre Road, Cataula.

**II. Disclosure Information:**

Do you or a member of your family have a financial or property interest\* in any of the above described properties which are subject to a rezoning application which will be presented to the Board of Commissioners?

A. If the answer is **NO**, please check here: \_\_\_\_\_

B. If the answer is **YES**, you must fill in the following information, and return this form to the County Attorney\*\*.

1. Name of Applicant: \_\_\_\_\_

Nature of Interest: \_\_\_\_\_

2. Name of Applicant: \_\_\_\_\_

Nature of Interest: \_\_\_\_\_

(If more than 2, list additional on reverse side of this form.)

This 6<sup>th</sup> day of DECEMBER, 2016.

\_\_\_\_\_  
Member, Board of Commissioners

\* The term "*financial interest*" means all direct ownership interest in the title, assets of capital stock of the business entity where such ownership interest is 10% or more. The term "*property interest*" means the direct or indirect ownership of real property and includes any percentage of ownership less than total ownership.

\*\* According to O.C.G.A. 36-67A, the local government official who has an interest as defined above shall disqualify him/herself from voting on the rezoning application action and shall not take any other action on behalf of him/herself or any other person to influence action on the rezoning application.

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**REZONING APPLICATION**  
**PAUL & KRISTINE WEAVER**

12/06/16

(This is a new application for the same property and purpose for which A-1 rezoning was denied March 4, 2014)

*Applicant:* Paul & Kristine Weaver

*Location:* 774 Bon Acre Road, Cataula, GA

*Rezone:* 7.00 acres of Land Lot 121, Land District 19, Map 048B, Parcel 048

*From:* R-1 (Single Family Residential)

*To:* A-1 (Agricultural & Forestry)

*Present Use:* Single Family (residence)

*Proposed Use:* Single Family (residence) with Horses

*Staff recommendation:* Disapproval

*Planning Commission recommendation:* Disapproval

Motion and vote needed after Public Hearing.